



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,697	09/30/2003	Amanda Baer	HSJ9-2003-0032US1 (0107-0)	6166
7590 07/17/2009				
ATTN: John J. Oskorep One Magnificent Mile Center Suite 1400 980 N. Michigan Avenue Chicago, IL 60611				
EXAMINER				
GRAMAGLIA, MAUREEN				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
07/17/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: AMANDA BAER, MARIE-CLAIRE CYRILLE,
FREDERICK HAYES DILL, BENJAMIN LU CHEN WANG,
CHARINGYE HWANG, and MUSTAFA PINARBASI

Application 10/675,697
Technology Center 1700

Mailed: July 17, 2009

Before ERIC W. HAWTHORNE, *Supervisory Paralegal Specialist*
HAWTHORNE, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 29, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER

GROUND'S OF REJECTION TO BE REVIEWED ON APPEAL

A review of the file finds that the grounds of rejection to be reviewed on appeal of the claims as provided in the Examiner's Answer mailed May 28, 2008, under the heading "Grounds of rejection to be Reviewed on Appeal" is either unclear or is not consistent with the grounds of rejection of claims set forth in the last Office action of record. The grounds of rejection to be reviewed on appeal as provided in the Examiner's Answer must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. Furthermore, the examiner must provide a clear statement of whether examiner agrees or disagrees with the statement of grounds of rejection to be reviewed as set forth in the brief and an explanation of any disagreement. *See also Manual of Patent Examining Procedure* (MPEP) § 1207.02 (8th ed. Rev. 6, Sept 2007) for details.

A review of the Examiner's Answer finds that it is unclear what rejected claims are on appeal as compared to the last Office action and those set forth in the Examiner's Answer.

Specifically, the examiner indicates in the Answer that claims 21, 22, and 27 have not been withdrawn, but are not on appeal. Clarification of the record is required for all Grounds of rejection to be reviewed on appeal for all claims.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to enter a paper clarifying the status of the rejection of claims 21, 22, and 27;

OR

- 2) to vacate the Examiner's Answer mailed May 28, 2008 and generate a new Examiner's Answer setting forth the correct Grounds of rejection to be reviewed on appeal and to correct other sections of the Answer as may be required;

- 3) to include the approval of the TC Director or his/her designee (as required for any new grounds of rejection); and

- 4) for such further action as may be required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

EWB/pgc

ATTN: John J. Oskorep
One Magnificent Mile Center
Suite 1400
980 N. Michigan Avenue
Chicago IL 60611